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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/787,225	02/27/2004	Andrew T. Fausak	049051-0223

31824  
 MCDERMOTT WILL & EMERY LLP  
 18191 VON KARMAN AVE.  
 IRVINE, CA 92612-7107



CONFIRMATION NO. 4798

## FORMALITIES LETTER



\*OC000000015160772\*

Date Mailed: 02/10/2005

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

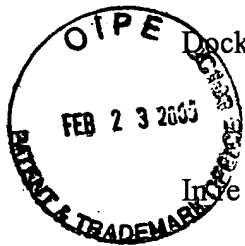
*A copy of this notice **MUST** be returned with the reply.*

*Z. Moquess*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: 049051-0223

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor Application of	:	Customer Number: 31824
	:	
Andrew T. Fausak	:	Confirmation Number: 4798
	:	
Application No.: 10/787,225	:	Group Art Unit: 2183
	:	
Filed: February 27, 2004	:	Examiner: Not Yet Assigned
	:	
For: ENCAPSULATED OBJECT	:	
ORIENTED POLYPHASE	:	
PREBOOT EXECUTION AND	:	
SPECIFICATION LANGUAGE	:	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER REGARDING ERRONEOUSLY ISSUED  
NOTICE TO FILE MISSING PARTS OF APPLICATION**

Sir:

Applicant has received a Notice To File Missing Parts of Application dated February 10, 2005 (copy attached) indicating that the oath or declaration is unsigned. However, Applicant previously received a Notice To File Missing Parts Of Application dated May 17, 2004, for which a response was filed on September 15, 2004. An additional copy of the Response, Petition For Extension Of Time, Declaration, Assignment and Recordation Form Cover Sheet are enclosed. The filing of these documents is evidenced by a copy of the PTO-stamped postcard bearing a September 15, 2004 filing date.

Accordingly, it is respectfully submitted that the current Notice To File Missing Parts was issued in error and that no further response is needed.

10/787,225

Please charge any shortage in fees due in connection with the filing of this paper to  
Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'Mark J. Itri', written over the printed name.

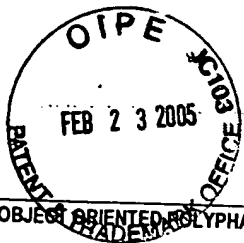
Mark J. Itri

Registration No. 36,171

18191 Von Karman Ave., Suite 400  
Irvine, CA 92612-7107  
Phone: 949.851.0633 MJl:dm  
Facsimile: 949.851.9348  
**Date: February 22, 2005**

**Please recognize our Customer No. 31824  
as our correspondence address.**

ORC 358224-1.049051.0223



Applicant: Andrew T. Fausak

Docket No. 049051-0223

Title: ENCAPSULATED OBJECT ORIENTED POLYPHASE PREBOOT EXECUTION AND SPECIFICATION  
LANGUAGE

Date Sent: 9/15/2004

☒ Hand Carried

☐ Fax

☐ Electronic

☐ Cert. of Mailing

Serial/Reg./Patent No.

10/787,225

☐ Express Mail No.

☐ Transmittal Letter

New Patent App

☐ Utility

☐ Design

☐ Cont.

☐ CIP

☐ Div.

☐ PCT

☐ RCE

☐ Prov

☐ Other:

\_\_\_\_\_ pages of Specification

\_\_\_\_\_ pages of Claims

\_\_\_\_\_ pages of Abstract

\_\_\_\_\_ pages of Formal/Informal Drawings

☐ Small Entity ☒ Large Entity

☒ Declaration/Power of Attorney

☒ Recordation of Assignment/Security Agreement

☐ Information Disclosure Statement

\_\_\_\_\_ Form PTO 1449

\_\_\_\_\_ copies of cited references

☐ Preliminary Amendment

☒ Response to Missing Parts Notice

☐ Resp. to Notice to Correct App. Papers

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Response/Amendment to Office Action of

☒ Request for two month Extension of Time

☐ Letter submitting \_\_\_\_\_ pages of drawings

☐ Req. for Approval of Drawing Amendments

☐ Req. for Oral Hearing

☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief

☐ Rule 312 Amendment/Letter

☐ Req. for Acknowledgement of Cited Art

☐ Issue Fee

☐ Publication Fee

☐ Req. for Certificate of Correction

☐ Maintenance Fee for \_\_\_\_\_ years after grant

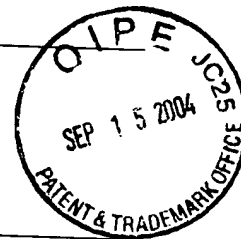
☐ Fee Address Indication Form

☐ Terminal Disclaimer

☐ Petition to Commissioner

☐ Status Inquiry

☐ Other \_\_\_\_\_



Check for \$

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Atty Init.

MJI

Tkpr. #

6717

Secy. or PL:

DThomey

CMS Descrip.: \_\_\_\_\_

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.



Docket No.: 049051-0223

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 31824
	:	
Andrew T. Fausak	:	Confirmation Number: 4798
	:	
Serial No.: 10/787,225	:	Group Art Unit: 2183
	:	
Filed: February 27, 2004	:	Examiner: Not Yet Assigned
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For: ENCAPSULATED OBJECT	:	
ORIENTED POLYPHASE	:	
PREBOOT EXECUTION AND	:	
SPECIFICATION LANGUAGE	:	

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Alexandria, VA 22313-1450

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice of Missing Parts of Application dated May 17, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Late Filing Fee Surcharge of \$130.00
3. Petition For Extension Of Time and \$420.00 extension fee
3. Assignment, Recordation Form Cover Sheet and \$40.00 recordal fee

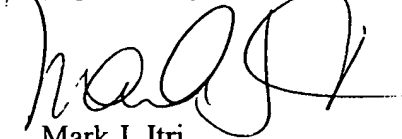
Please charge Deposit Account No. 502203 in the amount of \$590.00. To the extent necessary, Applicant's petition for an extension of time under 37 C.F.R. 1.136. Please charge any

10/787,225

shortage in fees due in connection with the filing of this paper, including extension of time fees,  
to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'Mark J. Itri', is written over the printed name.

Mark J. Itri

Registration No. 36,171

18191 Von Karman Ave., Suite 400  
Irvine, CA 92612-7107  
949.851.0633 MJJ:dmt  
Facsimile: 949.851.9348  
**Date: September 14, 2004**

ORC 346717-1.049051.0223